

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Criminal Action No.
v.)	13-00108-02-CR-W-GAF
)	
BARDOMIANO JUNGO,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on August 6, 2014. Defendant Bardomiano Jungo appeared in person and with Assistant Federal Public Defender Travis Poindexter. The United States of America appeared by Assistant United States Attorney Justin Davids.

I. BACKGROUND

On April 3, 2013, an indictment was returned charging defendant with one count of conspiracy to possess with intent to distribute methamphetamine, in violation of 21 U.S.C. § 846. Co-defendant Jose Loaiza entered a guilty plea on April 22, 2014. A superseding indictment was returned on April 30, 2014, charging the drug conspiracy as well as one count of aggravated illegal reentry, in violation of 8 U.S.C. §§ 1326(a) and (b)(2), one count of making a false statement, in violation of 18 U.S.C. § 1001, and one count of aggravated identity theft, in violation of 18 U.S.C. § 1028A.

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Davids announced that he and AUSA Trey Alford will be the trial counsel for the government. The case agent to be seated at counsel table is Special Agent James Morgan, DEA.

Mr. Poindexter announced that he will be the trial counsel for defendant Bardomiano Jungo. Aimee Eddington, Investigator, will be at counsel table.

III. OUTSTANDING MOTIONS

There is currently one motion pending for ruling by the district judge: Motion in limine filed by defendant on April 23, 2014 (#77).

IV. TRIAL WITNESSES

Mr. Davids announced that the government intends to call 17 witnesses without stipulations or 14 witnesses with stipulations during the trial.

Mr. Poindexter announced that defendant Bardomiano Jungo intends to call 2 witnesses during the trial. The defendant may testify.

V. TRIAL EXHIBITS

Mr. Davids announced that the government will offer approximately 45 exhibits in evidence during the trial.

Mr. Poindexter announced that defendant Bardomiano Jungo will offer approximately 8 exhibits in evidence during the trial.

VI. DEFENSES

Mr. Poindexter announced that defendant Bardomiano Jungo will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Mr. Poindexter stated this case is definitely for trial.

VIII. STIPULATIONS

Stipulations are likely as to chain of custody and chemists' reports.

IX. TRIAL TIME

Counsel were in agreement that this case will take 2 days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That counsel for each party file and serve a list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by August 6, 2014;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, August 13, 2014;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions¹ by or before noon, Wednesday, August 13, 2014. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

XI. UNUSUAL QUESTIONS OF LAW

No further motions in limine are anticipated. There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on August 18, 2014.

A Spanish-speaking interpreter is required.

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
August 6, 2014

¹Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the forthcoming trial letter, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn_shawver@mow.uscourts.gov and rhonda_enss@mow.uscourts.gov by Friday, August 15, 2014. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. The instructions shall be listed in the order they are to be given.